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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 01 2002

TECH CENTER 1600/2900



In re application of
Mohamed CHOKRI et al.

Serial No. 09/304,564 ✓

GROUP 1633

Filed May 4, 1999

Group Director

MACROPHAGES, PROCESS FOR PREPARING
THE SAME AND THEIR USE AS ACTIVE
SUBSTANCES OF PHARMACEUTICAL COMPOSITIONS

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 C.F.R. § 1.181 is respectfully requested for the following reasons.

The undersigned attorney received from the United States Patent and Trademark Office a Notice of Abandonment dated November 6, 2001, but which was not received until January 30, 2002, in the above-identified application. The notice indicated that the application had been abandoned in view of applicants' failure to respond to the Office Letter, mailed August 14, 2001.

Section 503 of the Manual of Patent Examining Procedure (MPEP) clearly states that a postcard receipt which itemizes and properly identifies the papers which have filed serves as *prima facie* evidence of receipt in the United States Patent and Trademark Office of all the items listed thereon,

on the date stamped thereon by the United States Patent and Trademark Office.

A careful review of the accompanying postcard receipt (Exhibit A) which contains all the necessary identifying data, including applicants' name, application serial number, and group, reveals that on August 27, 2001, applicants filed a Notice of Appeal, along with a petition for an extension of time for two months, and a check for \$240.

Since the postcard receipt bears the United States Patent and Trademark Office Mailroom stamp of August 27, 2001, it is respectfully requested that the holding of abandonment be withdrawn, and that the application be forwarded to the Examiner for consideration of applicants' timely response of August 27, 2001.

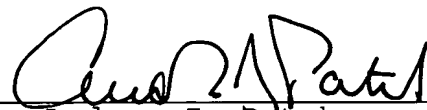
A copy of the complete response which was previously filed on August 27, 2001, and which was apparently misplaced by the United States Patent and Trademark Office, accompanies this petition.

We note also that an Appeal Brief and an appropriate further extension of time are filed on even date herewith.

Respectfully submitted,

YOUNG & THOMPSON

By



Andrew J. Patch
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March 27, 2002

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THE STAMP OF THE PATENT OFFICE MAIL HEREON ACKNOWLEDGES THE
RECEIPT OF THE BELOW-IDENTIFIED DOCUMENT ON THE DATE INDICATED
BY SUCH STAMP.

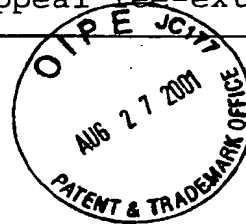
In re: CHOKRI et al

S.N. 09/304,564 Group 1642

Notice of Appeal, second month extension fee (1st

month previously requested and paid on 7-27-01),

Check No. 20689 for \$240.00 (appeal fee-ext. fee).



**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket No.
USD-93-AG-ID

In re Application of
Mohamed CHOKRI et al.

Application No.
09/304,564

Filed
May 4, 1999

For
MACROPHAGES, PROCESS FOR PREPARING THE SAME AND THEIR USE
AS ACTIVE SUBSTANCES OF PHARMACEUTICAL COMPOSITIONS

Group Art
Unit
1 642

Examiner
Anne HOLLERAN

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 27, 2001 rejecting the following claims: 3-5.

The fee for this Notice of Appeal is \$ 310

If I have checked one of the boxes below, then this is also a petition for an extension of time under 37 CFR 1.136(a) to reply to the rejection:

Extension of time requested for:	Small entity fee for extension of time:
<input type="checkbox"/> 1 Month	\$ 110
<input checked="" type="checkbox"/> 2 Months	\$ 390
<input type="checkbox"/> 3 Months	\$ 890
<input type="checkbox"/> 4 Months (if available)	\$1,390

The sum of the fee for the Notice of Appeal and the fee for any extension of time is: \$ 700

☒ Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ ~~700~~ 350
Less \$110. previously paid ext. fee on 7-27-01 \$ 240

☒ has already been filed in this application.

☒ A check in the amount of the fee is enclosed.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 25-0120. I have enclosed a duplicate copy of this sheet.



Andrew J. Patch
Attorney for Applicants
Registration No. 32,925